

REMARKS

As a preliminary matter, the Examiner is thanked for making the references cited in the Information Disclosure Statement of record and returning to the undersigned attorney the initialed Forms PTO-1449. Applicants note that the citations to two U.S. patents (Benner and King et al.) at page 2 of 7 of the Form PTO-1449 were inadvertently not initialed. It is respectfully requested that the Examiner initial these two citations and return a copy of the fully initialed page 2 to the undersigned attorney.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 1-14 were pending. Claims 1, 4-7, 9, 11, 13 and 14 have been cancelled without prejudice in order to expedite allowance of the remaining pending claims. Applicants reserve the right to prosecute the subject matter of claims 1, 4-7, 9, 11 and 13-14 in a future related application. As set forth above, claims 2, 3, 8, 10 and 12 have been amended to be in independent form in view of the cancellation of claim 1. No new matter has been added. Therefore, amended claims 2, 3, 8, 10 and 12 are now pending in the subject application.

In the Office Action dated June 28, 2006, claims 1, 4-7, 9, 11 and 13-14 were rejected. Claims 2-3, 8, 10 and 12 were objected to for depending from a rejected claim (rejected claim 1).

In the Office Action, claims 1, 4-7, 9, 11, 13 and 14 were rejected under 35 U.S.C. § 112, first paragraph. While it is recognized that the subject specification is enabling for peptides of SEQ ID NOS:1, 2, 7, 9 and 15 (claims 2, 3, 8, 10 and 12, respectively), it is asserted that the specification does not reasonably provide enablement for peptides of SEQ ID NOS:3-6, 8, 10, 20 and 23 (claims 4-7, 9, 11, 13 and 14, respectively, and claim 1 which includes these peptides). This rejection is respectfully traversed.

Applicants respectfully disagree that the subject specification is not enabling within the meaning of Section 112, first paragraph, for peptides of SEQ ID NOS:3-6, 8, 10, 20 and 23. For example, the peptide of SEQ ID NO:10 (p1172-1180) was shown in the subject specification (at page 40) to bind to HLA-A2.1 of class I MHC for the production of T cells. Nevertheless, in order to expedite allowance of certain embodiments of the present invention, claims 1, 4-7, 9, 11 and 13-14 have been cancelled without prejudice and, as set forth above, claims 2-3, 8, 10 and 12 have been rewritten in independent form. Applicants neither agree with, nor acquiesce to, the rejection of claims 1, 4-7, 9, 11 and 13-14.

Therefore, this rejection under 35 U.S.C. § 112, first paragraph, has been rendered moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

In the Office Action, claim 1 was rejected under 35 U.S.C. § 102(e) as lacking novelty over Ioannides et al. (U.S. Patent No. 6,514,942 with filing date of March 14, 1995). This rejection is respectfully traversed.

The present continuation application claims priority to a chain of U.S. applications reaching back to 1993. In the Office Action, the effective filing date accorded by the Examiner to claims 2-14 was August 12, 1993. Since Ioannides et al. was not filed until 1995, it was not considered prior art to claims 2-14.

However, the effective filing date accorded by the Examiner to claim 1 was March 31, 1995. Although Ioannides et al. did not issue until 2003, since it was filed March 14, 1995, it was considered prior art to claim 1 under Section 102(e). Independent of whether it was correct to accord claim 1 an effective filing date of March 31, 1995 instead of 1993, it is noted that Ioannides et al. was filed just 17 days prior to the alleged effective filing date accorded to claim 1. Therefore, Applicants reserve the right to “swear behind” Ioannides et al. by way of Declaration and accompanying documentation. Nevertheless, in order to expedite allowance of certain embodiments of the present invention, claim 1 has been cancelled without prejudice and, as set forth above, claims 2-3, 8, 10 and 12 have been rewritten in independent form. Applicants neither agree with, nor acquiesce to, the rejection of claim 1.

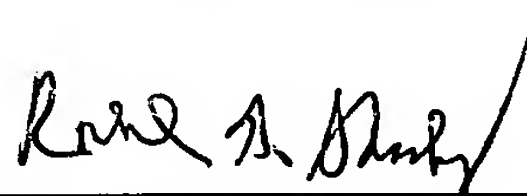
Therefore, this rejection under 35 U.S.C. § 102(e) has been rendered moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, in light of the amendments and remarks set forth above, Applicants believe that all the Examiner's rejections have been overcome. Reconsideration and allowance of the pending claims (2, 3, 8, 10 and 12) are respectfully requested. If there is any further matter requiring attention prior to allowance of the subject application, the Examiner is respectfully requested to contact the undersigned attorney (at 206-622-4900) to resolve the matter.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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